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POM WONDERFUL LLC

16 UNITED STATES DISTRICT COURT  
17  
18 CENTRAL DISTRICT OF CALIFORNIA

19 POM WONDERFUL LLC, a Delaware  
limited liability company,

20 Plaintiff,

21 v.

22 THE COCA COLA COMPANY, a  
Delaware corporation; and DOES 1-10,  
23 inclusive,

24 Defendants.  
25  
26  
27  
28

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JS-6

Case No. CV-08-06237 SJO (FMOx)

**FINAL JUDGMENT**

Hon. S. James Otero

**WHEREAS:**

The Court has reviewed the Amended [Proposed] Pretrial Conference Order (“PTCO”) filed by Plaintiff Pom Wonderful LLC (“Plaintiff”) and Defendant The Coca-Cola Company (“Defendant”);

The Court has issued its Order Granting In Part, Denying In Part Defendant’s Motion For Summary Judgment Pursuant To Fed. R. Civ. P. 56; Denying Plaintiff’s Motion For Partial Summary Adjudication Re: Defendant’s Affirmative Defenses Of Safe Harbor And Compliance with Laws, entered on May 5, 2010 [Docket No. 360] (the “MSJ Order”);

The MSJ Order dismissed Plaintiff’s state law claims. The MSJ Order also “precluded [Plaintiff] from pursuing its Lanham Act claim against the naming and labeling on the Juice’s bottle,” MSJ Order at 33, and “precluded [Plaintiff] from pursuing its Lanham Act claim against the Fruit Vignette.” *Id.* at 36. The MSJ Order did not preclude Plaintiff from pursuing its Lanham Act claim in other respects;

Plaintiff stipulates that, in light of the Court’s MSJ Order, it cannot now carry its burden with respect to its Lanham Act claim and that, accordingly, the Court should dismiss with prejudice the remaining portion of Plaintiff’s Lanham Act claim and enter Final Judgment for Defendant in this action with respect to all claims;

Plaintiff has expressly reserved its right to appeal this Final Judgment and the Court’s prior orders in this matter including, but not limited to, the MSJ Order;

**IT IS ORDERED AND ADJUDGED THAT** final judgment is hereby entered in favor of Defendant The Coca-Cola Company.

Dated: May 24, 2010

By: \_\_\_\_\_



Hon. S. James Otero  
United States District Judge

1 Respectfully submitted by:

2 ROLL LAW GROUP P.C.

3 By:       /s/ Daniel S. Silverman

4 Daniel S. Silverman

Attorneys for Plaintiff

5 POM WONDERFUL LLC

6 PATTERSON BELKNAP WEBB & TYLER LLP

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8 By:       /s/ Steven A. Zalesin

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9 THE COCA-COLA COMPANY